

Message Text

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ORIGIN SCI-06

INFO OCT-01 EA-11 ADP-00 SS-15 NSC-10 HEW-08 DOTE-00 INT-08

HUD-02 DODE-00 CEQ-02 EB-11 IO-13 CIAE-00 EUR-25

PM-07 INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01 PRS-01

USIA-12 TRSE-00 MBFR-03 SAJ-01 FAA-00 COME-00 EPA-04

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E. O. 11652: N/ A

TAGS: SENV, OCON, JA, US

SUBJ: PROPOSED ENVIRONMENT AGREEMENT

REF: (A) TOKYO 7551; (B) STATE 96565

1. SUMMARY: DEPARTMENT HAS NO DIFFICULTY IN ACCEPTING SEVERAL OF GOJ- PROPOSED CHANGES SUGGESTED REF A. THEIR PROBLEMS WITH ARTICLE V, HOWEVER, ARE MORE THAN JUST PROCEDURAL AND WE RELUCTANT TO DILUTE ARTICLE ANY FURTHER. DELETION OF LPPSD ALSO SLIGHTLY PROBLEMATIC. END SUMMARY.

2. RE PARAGRAPH 5, REFTEL A, WHILE UNDERSTANDING JAPANESE LIMITED OFFICIAL USE

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BUREAUCRATIC INFLEXIBILITY, WE FEEL THAT IF AGREEMENT IS TO HAVE ANY PRACTICAL VALUE IT ESSENTIAL THEY WORK OUT SOME MODUS VIVENDI WHICH WILL PERMIT THEM TO DESIGNATE "POINT OF COORDINATION" AS ENVISAGED IN ARTICLE V (REF. B, PARAGRAPH 18). OUR DRAFT ARTICLE IS AS FLEXIBLE AS POSSIBLE. FURTHER DILUTION OR COMPLETE DELETION WOULD VITIATE A CENTRAL PURPOSE OF AGREEMENT. IF JAPANESE UNABLE TO DECIDE SUCH ITEM NOW, FURTHER COOPERATION LIKELY BECOME EMBROILED IN CONTINUING COMPETITION AND INFIGHTING, AND DESPITE PROBABLE SHORT- TERM POLITICAL GAINS, PRESENT AD HOC SITUATION PROBABLY PREFERABLE TO EXTENSION OF GOJ JURISDICTIONAL IMPASSE.

3. RE REFTEL A, PARAGRAPH 2, EPA AGREEABLE TO SUBSTITUTING " HARMFUL" FOR " RADIOACTIVE" AND TO ADDING " NOISE CONTROL AND ABATEMENT" TO ARTICLE III. THEY QUESTION, HOWEVER, DESIRABILITY FROM JAPANESE POINT OF VIEW OF DROPPING LOW POLLUTION POWER SYSTEMS DEVELOPMENT (LPPSD), IN LIGHT OF GOJ' S PREVIOUSLY EXPRESSED INTEREST IN PARTICIPATION IN LPPSD PROJECT UNDER CCMS. SINCE JAPANESE NOT INCLINED PARTICIPATE DIRECTLY IN NATO- SPONSORED PROJECT, IT IS POSSIBLE THEY MAY DECIDE TO GAIN ACCESS TO PROJECT THROUGH BILATERAL LPPSD AGREEMENT WITH U. S., WHICH IS PILOT COUNTRY FOR CCMS PROJECT. PERHAPS MOFA OFFICIAL WHO PROPOSED CHANGES IN REF A UNAWARE THIS POSSIBILITY. SINCE IT LIKELY GOJ WILL BE COOPERATING WITH U. S. IN LPPSD, WE THINK IT USEFUL TO RETAIN THIS SUBJECT IN BILATERAL.

4. RE REFTEL A, PARAGRAPH 3, TO DEAL WITH GOJ OBJECTION TO LANGUAGE ARTICLE IV RE POLLUTER PAYS PRINCIPLE, SUGGEST CHANGING PHRASE " WILL BE INCLUDED" TO " BE REFLECTED" AND OTHER MINOR CHANGES IN FIRST SENTENCE OF PARAGRAPH 17, REF B, TO CONFORM PRECISELY WITH LANGUAGE OF OECD GUIDING PRINCIPLES. FIRST SENTENCE OF ARTICLE WOULD THEN READ: " BOTH GOVERNMENTS WILL USE THEIR BEST EFFORTS TO ENSURE THAT THE COST OF CARRYING OUT POLLUTION PREVENTION AND CONTROL MEASURES BE REFLECTED IN THE COST OF GOODS AND SERVICES WHICH CAUSE POLLUTION IN PRODUCTION AND/ OR CONSUMPTION, AND TO FRAME ENVIRONMENTAL PROTECTIVE MEASURES IN SUCH A MANNER AS TO AVOID THE CREATION OF LIMITED OFFICIAL USE

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NON- TARIFF BARRIERS TO TRADE."

5. RE REFTEL A, PARAGRAPH 4 AND PARAGRAPH 6, CHANGING DURATION TO TWO YEARS AND SINGLE SIGNATORY PRESENT NO PROBLEMS.

6. DEPARTMENT AGREES THAT SIGNATURE OF AGREEMENT AT

SUMMIT IS VERY DESIRABLE. HOWEVER, IF JAPANESE UNABLE
TO RESOLVE COORDINATION PROBLEM, WE THINK FOREGOING
AGREEMENT FOR TIME BEING PREFERABLE TO SIGNING AGREEMENT
WHICH IGNORES OR PROLONGS INCONCLUSIVE ALLOCATION OF
AUTHORITY ON JAPANESE SIDE. ROGERS

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